

103^D CONGRESS
1ST SESSION

S. 62

To amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. DECONCINI introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT;**

4 **TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Senate Election Reform Act of 1993”.

1 (b) AMENDMENT OF FECA.—When used in this Act,
 2 the term “FECA” means FECA (2 U.S.C. 431 et seq.).

3 (c) TABLE OF CONTENTS.—

- Sec. 1. Short title; amendment of Campaign Act; table of contents.
- Sec. 2. Spending limits.
- Sec. 3. Senate account.
- Sec. 4. Broadcast rates.
- Sec. 5. Reporting requirements.
- Sec. 6. Limits on contributions by multicandidate political committees and separate segregated funds.
- Sec. 7. Intermediary or conduit.
- Sec. 8. Independent expenditures.
- Sec. 9. Independent expenditure broadcast disclosure.
- Sec. 10. Referral to the Department of Justice.
- Sec. 11. Extension of credit.
- Sec. 12. Preferential rates for mail.
- Sec. 13. Disclosure.
- Sec. 14. Excess campaign funds.
- Sec. 15. Political committee postal rates.
- Sec. 16. Soft money.
- Sec. 17. Federal Election Commission reform.
- Sec. 18. Franked mail.
- Sec. 19. One campaign committee allowed.
- Sec. 20. Severability.
- Sec. 21. Effective date.

4 **SEC. 2. SPENDING LIMITS.**

5 FECA is amended by adding at the end the following
 6 new title:

7 **“TITLE V—SPENDING LIMITS**
 8 **AND PUBLIC FINANCING FOR**
 9 **SENATE GENERAL ELECTION**
 10 **CAMPAIGNS**

11 **“SEC. 501. DEFINITIONS.**

12 “For the purposes of this title—

13 “(1) the term ‘authorized committee’ means,
 14 with respect to a candidate for election to a seat in
 15 the United States Senate, a political committee that

1 is authorized in writing by the candidate to accept
2 contributions or make expenditures on behalf of the
3 candidate to further the election of the candidate;

4 “(2) the term ‘candidate’ means an individual
5 who is seeking nomination for election, or election to
6 a seat in the United States Senate, and such an in-
7 dividual shall be deemed to be seeking nomination
8 for election, or election, if the individual meets the
9 criteria stated in subparagraph (A) or (B) of section
10 301(2);

11 “(3) the term ‘eligible candidate’ means a can-
12 didate who has made the filings prescribed by sec-
13 tion 502 (a) and (b);

14 “(4) the term ‘election cycle’ means, with re-
15 spect to an election to any Senate seat—

16 “(A) in the case of a candidate or the au-
17 thorized committee of a candidate, the period
18 beginning on the day after the date of the most
19 recent general election for the seat that the
20 candidate seeks and ending on the date of the
21 next general election; or

22 “(B) in the case of other persons, the pe-
23 riod beginning on the first day following the
24 date of the last general election and ending on
25 the date of the next election;

1 “(5) the term ‘general election’ means an elec-
2 tion that will directly result in the election of a per-
3 son to the office of United States Senator, but does
4 not include an open primary election;

5 “(6) the term ‘general election period’ means
6 the period beginning on the day after the date of a
7 primary or runoff election, whichever is later, and
8 ending on the first of—

9 “(A) the date of such general election; or

10 “(B) the date on which the candidate with-
11 draws from the campaign or otherwise ceases
12 actively to seek election;

13 “(7) the term ‘immediate family’ means—

14 “(A) a candidate’s spouse;

15 “(B) a child, stepchild, parent, grand-
16 parent, brother, half-brother, sister, or half-sis-
17 ter of the candidate or the candidate’s spouse;
18 and

19 “(C) the spouse of a person described in
20 subparagraph (B);

21 “(8) the term ‘major party’ has the meaning
22 stated in section 9002(6) of the Internal Revenue
23 Code of 1986 (the Presidential Election Campaign
24 Fund Act), provided that a candidate in a general
25 election held by a State to elect a Senator subse-

1 quent to an open primary in which all the candidates
2 for the office participated and which resulted in the
3 selection of the candidate and at least one other can-
4 didate for the ballot in the general election, shall be
5 treated as a candidate of a major party for purposes
6 of this title;

7 “(9) the term ‘primary election’, with respect to
8 an election for any Senate seat, means an election
9 that may result in the selection of a candidate for
10 the Senate on the ballot in a general election;

11 “(10) the term ‘primary election period’, with
12 respect to an election for any Senate seat, means the
13 period beginning on the day following the date of the
14 last Senate election for that seat and ending on the
15 first of—

16 “(A) the date of the first primary election
17 for that seat following the last Senate election
18 for that seat; or

19 “(B) the date on which the candidate with-
20 draws from the election or otherwise ceases ac-
21 tively to seek election;

22 “(11) the term ‘runoff election’, with respect to
23 an election for any Senate seat, means an election
24 held after a primary election for that seat, pre-
25 scribed by State law as the means for determining

1 the candidates that will be certified as nominees for
2 the Senate;

3 “(12) the term ‘runoff election period’, with re-
4 spect to an election for any Senate seat, means the
5 period beginning on the day following the date of the
6 most recent primary election for that seat and end-
7 ing on the date of the runoff election for that seat;

8 “(13) the term ‘Senate Account’ means the
9 Senate Election Campaign Account maintained, pur-
10 suant to section 506, by the Secretary of the Treas-
11 ury in the Presidential Campaign Fund established
12 by section 9006(a) of the Internal Revenue Code of
13 1986; and

14 “(14) the term ‘voting age population’ means
15 the resident population, 18 years of age or older, as
16 certified for a State pursuant to section 315(e).

17 **“SEC. 502. ELIGIBILITY TO RECEIVE BENEFITS.**

18 “(a) To be eligible to receive benefits under this title,
19 a candidate shall make the filings required by subsections
20 (b) and (c).

21 “(b) To become an eligible candidate, a candidate
22 shall, on the day that the candidate files as a candidate
23 for the primary election, file with the Commission a dec-
24 laration whether—

1 “(1) the candidate and the candidate’s author-
2 ized committees agree to make expenditures for the
3 primary election in an amount greater than the less-
4 er of—

5 “(A) 50 percent of the general election
6 spending limit applicable to the candidate under
7 section 503(b); or

8 “(B) \$2,750,000;

9 “(2) the candidate and the candidate’s author-
10 ized committees agree to make expenditures for a
11 runoff election, in an amount equal to no more than
12 20 percent of the general election spending limit ap-
13 plicable to the candidate under section 503(b); and

14 “(3) the candidate and the candidate’s author-
15 ized committees agree to make expenditures for the
16 general election in an amount equal to no more than
17 the general election spending limit applicable to the
18 candidate under section 503(b).

19 “(c) To become an eligible candidate, a candidate
20 shall, not later than 7 days after qualifying for the general
21 election ballot under State law or, if the candidate’s State
22 is one that has a primary election to qualify for the gen-
23 eral election ballot after September 1, not later than 7
24 days after the date such candidate wins in such primary,

1 whichever occurs first, file a certification with the Com-
2 mission under penalty of perjury stating that—

3 “(1) during the period beginning on January 1
4 of the calendar year preceding the year of the gen-
5 eral election, or in the case of a special election for
6 the seat of a United States Senator, during the pe-
7 riod beginning on the day on which the seat was va-
8 cated, and ending on the day the certification is
9 made, the candidate and the candidate’s authorized
10 committees have received contributions in an amount
11 at least equal to the lesser of—

12 “(A) \$650,000; or

13 “(B) the greater of—

14 “(i) \$150,000; or

15 “(ii) 10 cents multiplied by the voting
16 age population of the State;

17 “(2) all contributions received for purposes of
18 paragraph (1) have come from individuals, and no
19 contribution received from an individual, when added
20 to all contributions to or for the benefit of the can-
21 didate from the individual, was taken into account
22 to the extent that the contributions from that indi-
23 vidual exceed \$250;

24 “(3) the candidate and the candidate’s author-
25 ized committees have not expended for the primary

1 election more than the amount described in sub-
2 section (b)(1);

3 “(4) the candidate and the candidate’s author-
4 ized committees have not expended for any runoff
5 election more than the amount described in sub-
6 section (b)(2);

7 “(5) at least 80 percent of the amount of con-
8 tributions received for purposes of paragraph (1)
9 have come from individuals residing in the can-
10 didate’s State;

11 “(6) at least one other candidate has qualified
12 for the same general election ballot under State law;

13 “(7) the candidate and the candidate’s author-
14 ized committees—

15 “(A) have not made and will not make ex-
16 penditures for the general election that exceed
17 the general election spending limit applicable to
18 the candidate under section 503(b), unless per-
19 mitted to do so under section 504(a)(2);

20 “(B) will not accept any contributions in
21 violation of section 315;

22 “(C) will not accept any contribution for
23 the general election except to the extent that
24 the contribution is necessary to defray expendi-
25 tures for the general election that in the aggre-

1 gate do not exceed the general election spending
2 limit applicable to the candidate under section
3 503(b), unless permitted to do so under section
4 504(a)(2);

5 “(D) will deposit all payments received
6 under this section in an account insured by the
7 Federal Deposit Insurance Corporation from
8 which funds may be withdrawn by check or
9 similar means of payment to third parties;

10 “(E) will furnish campaign records, evi-
11 dence of contributions, and other appropriate
12 information to the Commission;

13 “(F) will cooperate in any audit and exam-
14 ination conducted by the Commission pursuant
15 to section 507; and

16 “(G) will not make any expenditures until
17 the date that is 6 months before the date of the
18 primary election, or use payments received
19 under this section for expenses incurred prior to
20 such date for media advertising, direct mail,
21 and telephone banks unless such expenses for
22 mail or telephones are directly related to raising
23 funds or recruiting volunteers for that election;

24 “(8) the candidate and the candidate’s author-
25 ized committees will not use a broadcast station,

1 pursuant to section 315 of the Communications Act
2 of 1934 (47 U.S.C. 315), for a political advertise-
3 ment or broadcast communication on a television
4 broadcast station until the date that is 6 months be-
5 fore the date of the primary election in which such
6 candidate is involved; and

7 “(9) the candidate intends to make use of the
8 benefits provided in section 504.

9 “(d) For the purposes of subsection (c)(1) and sec-
10 tion 504(a)(2)(B), in determining the amount of contribu-
11 tions received by a candidate and the candidate’s author-
12 ized committees—

13 “(1) no contribution other than a gift of money
14 made by a written instrument that identifies the per-
15 son making the contribution shall be taken into
16 account;

17 “(2) no contribution made through an
18 intermediary or conduit referred to in section
19 315(a)(8) shall be taken into account;

20 “(3) no contribution received from a person
21 other than an individual shall be taken into account,
22 and no contribution received from an individual shall
23 be taken into account to the extent such contribution
24 exceeds \$250 when added to all other contributions
25 made by that individual to or for the benefit of such

1 candidate since the date specified in paragraph (4);
2 and

3 “(4) no contribution received prior to January
4 1 of the calendar year preceding the year in which
5 the general election is held or received after the date
6 on which the general election is held shall be taken
7 into account, and in the case of a special election,
8 no contribution received prior to the date on which
9 the seat was vacated or received after the date on
10 which the general election is held shall be taken into
11 account.

12 **“SEC. 503. LIMITATIONS ON EXPENDITURES.**

13 “(a) No candidate shall—

14 “(1) make expenditures from the personal
15 funds of the candidate or the funds of a member of
16 the immediate family of the candidate; or

17 “(2) incur personal debt,
18 in excess of \$100,000 in connection with the candidate’s
19 campaign for the Senate during an election cycle.

20 “(b) No candidate may make expenditures for a gen-
21 eral election in excess of the lesser of—

22 “(A) \$5,500,000; or

23 “(B) the greater of—

24 “(i) \$900,000; or

1 “(ii) \$400,000 plus 21 cents multiplied by
2 the voting age population of 4,000,000 or less,
3 plus 18 cents multiplied by the voting age popu-
4 lation over 4,000,000,
5 plus any amount permitted under section 504 (b)
6 and (c).

7 “(c) No candidate who is otherwise eligible to receive
8 benefits under this title for use in a general election may
9 receive such benefits if the candidate makes expenditures
10 for the primary election in excess of the lesser of—

11 “(1) \$2,750,000; or

12 “(2) the amount equal to 50 percent of the lim-
13 itation on expenditures for the general election de-
14 termined under subsection (b).

15 “(d) No candidate who is otherwise eligible to receive
16 benefits under this title for use in a general election may
17 receive such benefits if the candidate makes expenditures
18 for a runoff election in excess of an amount equal to 20
19 percent of the limitation on expenditures for the general
20 election determined under subsection (b).

21 “(e)(1) The limitation stated in subsection (b) shall
22 not apply to expenditures by a candidate or the can-
23 didate’s authorized committees from a compliance fund es-
24 tablished to defray the costs of legal and accounting serv-

1 ices provided solely to insure compliance with this Act,
2 if—

3 “(A) the compliance fund contains only con-
4 tributions (including contributions received in excess
5 of any amount necessary to defray qualified cam-
6 paign expenditures pursuant to section 313) received
7 in accordance with the limitations, prohibitions, and
8 reporting requirements of this Act, and does not
9 contain any funds received by the candidate pursu-
10 ant to section 504(a);

11 “(B) the amount of contributions to and ex-
12 penditures from the compliance fund do not exceed
13 10 percent of the limitation on expenditures for the
14 general election determined under subsection (b);
15 and

16 “(C) no transfers are made from the compli-
17 ance fund to any other accounts of the candidate’s
18 authorized committees.

19 “(2) If, after a general election, a candidate deter-
20 mines that the costs of necessary and continuing legal and
21 accounting services require contributions to and expendi-
22 tures from a compliance fund in excess of the limitation
23 stated in paragraph (1), the candidate may petition the
24 Commission for a waiver of such limitation up to any addi-
25 tional amount that the Commission may authorize, the de-

1 termination of which shall be subject to Federal review
2 under section 508.

3 “(3) Any money remaining in a compliance fund
4 when a candidate decides to terminate or dissolve the com-
5 pliance fund shall be—

6 “(A) contributed to the United States Treasury
7 to reduce the budget deficit; or

8 “(B) transferred to any fund of a subsequent
9 campaign of that candidate.

10 “(f) If during a primary election period or runoff
11 election period preceding a general election, independent
12 expenditures aggregating more than \$10,000 are made or
13 obligated to be made in opposition to a candidate or for
14 the opponent of a candidate, the limitations stated in sub-
15 sections (c) and (d), as they apply to such candidate, shall
16 be deemed to be increased for that primary or runoff elec-
17 tion in an amount equal to the amount of such independ-
18 ent expenditures made during the primary election period
19 or runoff election period.

20 “(g) No candidate who receives a benefit under this
21 title for use in a general election campaign shall receive
22 any such benefits if the candidate makes any expenditure
23 before the date that is 6 months before the date of the
24 primary election in which the candidate is a candidate.

1 “(h) No candidate who receives a benefit under this
2 title shall make any expenditure, directly or indirectly, for
3 any political advertisement or broadcast communication
4 on a television broadcast until after the date that is 6
5 months before the date of the primary election in which
6 such candidate is a candidate.

7 **“SEC. 504. ENTITLEMENT OF ELIGIBLE CANDIDATES TO**
8 **BENEFITS.**

9 “(a) An eligible candidate shall be entitled to—

10 “(1) the broadcast media rates provided under
11 subsections (b) and (d)(3) of section 315 of the
12 Communications Act of 1934 (47 U.S.C. 315);

13 “(2) mailing rates provided in section 3629 of
14 title 39, United States Code; and

15 “(3) a payment equal to the greater of—

16 “(A) \$250,000; or

17 “(B) one-third of the difference between—

18 “(i) the general election spending
19 limit applicable to the candidate under sec-
20 tion 503(b); and

21 “(ii) the threshold amount applicable
22 to the candidate under section 502(b)(1),
23 to the extent that such payment will not result in
24 the candidate’s having received contributions and
25 payments under this subparagraph and subpara-

1 graph (C) aggregating an amount in excess of the
2 general election spending limit applicable to the can-
3 didate under section 503(b);

4 “(C) payments equal to the sum of—

5 “(i) all contributions that the can-
6 didate has received from contributors (ex-
7 cluding multicandidate political commit-
8 tees) who have made contributions for the
9 general election aggregating no more than
10 \$250 each; and

11 “(ii) \$250 times the number of con-
12 tributors (excluding multicandidate politi-
13 cal committees) from whom the candidate
14 has received contributions for the general
15 election aggregating more than \$250,

16 to the extent that such payment will not result
17 in the candidate’s having received contributions
18 and payments under this subparagraph and
19 subparagraph (B) aggregating an amount in ex-
20 cess of the general election spending unit appli-
21 cable to the candidate under section 503(b);
22 and

23 “(D) payments under section 506 equal to
24 the total amount of independent expenditures
25 made or obligated to be made in the general

1 election by any person in opposition to, or on
2 behalf of an opponent of, the eligible candidate,
3 as such expenditures are reported by such per-
4 son or determined by the Commission under
5 section 304(f);

6 “(4) if an eligible candidate’s opponent who is
7 not an eligible candidate either raises aggregate con-
8 tributions or makes or becomes obligated to make
9 aggregate expenditures for the general election that
10 exceed the general election spending limit applicable
11 to the eligible candidate under section 503(b)—

12 “(A) in the case of an eligible candidate
13 who is a major party candidate a payment
14 under section 506 (in addition to payments to
15 which the candidate is entitled under paragraph
16 (1)) in an amount equal to—

17 “(i) two-thirds of the amount of the
18 general election spending limit applicable
19 to the eligible candidate under section
20 503(b) in a case in which the opponent ei-
21 ther raises aggregate contributions or
22 makes or becomes obligated to make ag-
23 gregate expenditures for the general elec-
24 tion that exceed 100 percent of the appli-
25 cable general election spending limit; and

1 “(ii) one-third of the amount of the
2 general election spending limit applicable
3 to the eligible candidate under section
4 503(b) in a case in which the opponent ei-
5 ther raises aggregate contributions or
6 makes or becomes obligated to make ag-
7 gregate expenditures for the general elec-
8 tion that exceed 133⅓ percent of the ap-
9 plicable general election spending limit;
10 and

11 “(B) in the case of an eligible candidate
12 who is not a major party candidate matching
13 payments under section 506 (in addition to pay-
14 ments to which the candidate is entitled under
15 paragraph (1)) equal to the amount of each
16 contribution received by such eligible candidate
17 and the candidate’s authorized committees, pro-
18 vided that in determining the amount of each
19 such contribution—

20 “(i) section 502(b) shall apply; and

21 “(ii) threshold contributions required
22 to be raised under section 502(b)(1) shall
23 not be matched,

24 to the extent that aggregate payments to a can-
25 didate under this subparagraph do not exceed

1 50 percent of the amount of the general election
2 spending limit applicable to the candidate under
3 section 503(b).

4 “(b) An eligible candidate who receives payments
5 under paragraph (1)(C) or (2) of subsection (a) may
6 spend such funds to defray expenditures in the general
7 election without regard to the general election spending
8 limit applicable to the candidate under section 503(b).

9 “(c)(1) An eligible candidate who receives benefits
10 under this section may make expenditures for the general
11 election without regard to subparagraph (A) of section
12 502(a)(7) or subsection (a) or (b) of section 503 if any
13 one of the eligible candidate’s opponent who is not an eligi-
14 ble candidate either raises aggregate contributions or
15 makes or becomes obligated to make aggregate expendi-
16 tures for the general election that exceed 133⅓ percent
17 of the general election spending limit applicable under sec-
18 tion 503(b).

19 “(2) A candidate who receives benefits under this sec-
20 tion may receive contributions for the general election
21 without regard to subparagraph (C) of section 502(a)(7)
22 if a major party candidate in the same general election
23 is not an eligible candidate, or if any other candidate in
24 the same general election who is not an eligible candidate
25 raises aggregate contributions or makes or becomes obli-

1 gated to make aggregate expenditures for the general elec-
2 tion that exceed 75 percent of the general election spend-
3 ing limit applicable to the candidate under section 503(b).

4 “(d) Benefits received by a candidate under this sec-
5 tion shall be used to defray expenditures incurred with re-
6 spect to the general election period for the candidate. Such
7 benefits shall not be used—

8 “(1) to make any payments, directly or indi-
9 rectly, to such candidate or to any member of the
10 immediate family of such candidate;

11 “(2) to make any expenditure other than ex-
12 penditures to further the general election of such
13 candidate,

14 “(3) to make any expenditures which constitute
15 a violation of any law of the United States or of the
16 State in which the expenditure is made; or

17 “(4) to repay any loan to any person except to
18 the extent the proceeds of such loan were used to
19 further the general election of such candidate.

20 **“SEC. 505. CERTIFICATION BY COMMISSION.**

21 “(a) No later than 48 hours after an eligible can-
22 didate files a request with the Commission to receive bene-
23 fits under section 506 the Commission shall certify such
24 eligibility to the Secretary of the Treasury for payment
25 in full of the amount to which such candidate is entitled,

1 unless the provisions of section 506(c) apply. Such request
2 shall contain—

3 “(1) such information and be made in accord-
4 ance with such procedures, as the Commission may
5 provide by regulation;

6 “(2) a certification that the candidate has
7 raised contributions in the applicable threshold
8 amount states in section 502(b)(1) and has met all
9 other requirements to become an eligible candidate;
10 and

11 “(3) a verification signed by the candidate and
12 the treasurer of the principal campaign committee of
13 such candidate stating that the information fur-
14 nished in support of the request, to the best of their
15 knowledge, is correct and fully satisfies the require-
16 ments of this title.

17 “(b) Certifications by the Commission under sub-
18 section (a) and all determinations made by the Commis-
19 sion under this title shall be final and conclusive, except
20 to the extent that they are subject to examination and
21 audit by the Commission under section 507 and judicial
22 review under section 508.

1 **“SEC. 506. ESTABLISHMENT OF FUND; PAYMENTS TO ELIGI-**
2 **BLE CANDIDATES.**

3 “(a)(1) The Secretary shall maintain in the Presi-
4 dential Election Campaign Fund (referred to as the
5 ‘Fund’) established by section 9006(a) of the Internal
6 Revenue Code of 1986, in addition to any other accounts
7 maintained under such section, a separate account to be
8 known as the ‘Senate Account’. The Secretary shall de-
9 posit into the Senate Account, for use by eligible can-
10 didates, the amounts available after the Secretary deter-
11 mines that the amounts in the fund, plus the amounts of
12 revenue the Secretary projects will accrue to the fund dur-
13 ing the remainder of the period ending on December 31
14 of the year of the next Presidential election, equal 110
15 percent of the amount the Secretary projects will be nec-
16 essary for payments under subtitle H of the Internal Reve-
17 nue Code of 1986 during such remainder of such period.
18 The monies designated for the Senate Fund shall remain
19 available without fiscal year limitation.

20 “(2) On May 15 of each year following the year dur-
21 ing which a regularly scheduled biennial Senate election
22 has occurred, the Secretary shall determine the amount
23 in the Senate Fund, and determine whether that amount,
24 plus the amount of revenue the Secretary projects will ac-
25 crue to the Senate Account (based on the computation
26 made by the Secretary with respect to the fund, as pro-

1 vided in paragraph (1)) during the period beginning on
2 such date and ending on December 31 of the year of the
3 next regularly scheduled biennial election, exceeds 110
4 percent of the total estimated expenditures of the Senate
5 Account during that period. If the Secretary determines
6 that an excess amount exists, the Secretary shall transfer
7 the excess to the general fund of the Treasury of the Unit-
8 ed States.

9 “(b) Upon receipt of a certification from the Commis-
10 sion under section 505, the Secretary shall promptly pay
11 to the candidate named in the certification, out of the Sen-
12 ate Account, the amount certified by the Commission.

13 **“SEC. 507. EXAMINATION AND AUDITS; REPAYMENTS.**

14 “(a)(1) After each general election, the Commission
15 shall conduct an examination and audit of the campaign
16 accounts of 10 percent of the eligible candidates of each
17 major party and 10 percent of all other eligible candidates,
18 as designated by the Commission through the use of an
19 appropriate statistical method of random selection to de-
20 termine, among other things, whether such candidates
21 have complied with the expenditure limits and other condi-
22 tions of eligibility and requirements of this title.

23 “(2) After each special election, the Commission shall
24 conduct an examination and audit of the campaign ac-
25 counts of each eligible candidate in such election to deter-

1 mine whether such candidates have complied with the ex-
2 penditure limits and other conditions of eligibility and re-
3 quirements under this title.

4 “(3) The Commission may conduct an examination
5 and audit of the campaign accounts of any eligible can-
6 didate in a general election if the Commission, by an af-
7 firmative vote of four members, determines that there ex-
8 ists reason to believe that the candidate has violated any
9 provision of this title.

10 “(b) If the Commission determines that any portion
11 of the payments made to a candidate under this title was
12 in excess of the aggregate payments to which such can-
13 didate was entitled, the Commission shall so notify the
14 candidate, and the candidate shall pay to the Secretary
15 an amount equal to the excess.

16 “(c) If the Commission determines that any part of
17 a payment benefit made to a candidate under this title
18 was not used as required by this title, the Commission
19 shall so notify the candidate and the candidate shall pay
20 to the Secretary an amount equal to 200 percent of the
21 amount of the benefit that was used otherwise than as
22 permitted by this title.

23 “(d) If the Commission determines that a candidate
24 who has received benefits under this title has made ex-
25 penditures which in the aggregate exceed by 5 percent or

1 less the general election spending limit applicable to the
2 candidate under section 503(b), the Commission shall so
3 notify the candidate, and the candidate shall pay to the
4 Secretary an amount equal to the amount of the excess
5 expenditure.

6 “(e) If the Commission determines that a candidate
7 who has received benefits under this title has made ex-
8 penditures which in the aggregate exceed by more than
9 5 percent general election spending limit applicable to the
10 candidate under the limitation set forth in section 503(b),
11 the Commission shall so notify the candidate, and the can-
12 didate shall pay the Secretary an amount equal to three
13 times the amount of the excess expenditure.

14 “(f) Any amount received by an eligible candidate
15 under this title may be retained for no more than 60 days
16 after the date of the general election for the liquidation
17 of all obligations to pay general election campaign ex-
18 penses incurred during the general election period. At the
19 end of 60 days any unexpended funds received under this
20 title shall be promptly repaid to the Secretary.

21 “(g) No notification shall be made by the Commission
22 under this section with respect to an election more than
23 3 years after the date of such election.

24 “(h) All payments received under this section shall
25 be deposited in the Senate Account.

1 **“SEC. 507A. CRIMINAL PENALTIES.**

2 “(a) No candidate shall knowingly or willfully accept
3 benefits under this title in excess of the aggregate benefits
4 to which the candidate is entitled or knowingly or willfully
5 use such benefits for any purpose other than one per-
6 mitted by this title or knowingly or willfully make expendi-
7 tures from the candidate’s personal funds, or the personal
8 funds of the candidate’s immediate family, in excess of the
9 general election spending limit applicable to the candidate
10 under section 503(b).

11 “(b) A person who violates subsection (a) shall be
12 fined not more than \$25,000, or imprisoned not more than
13 5 years, or both. Any officer or member of any political
14 committee who knowingly consents to the making of an
15 expenditure in violation of subsection (a) shall be fined
16 not more than \$25,000, or imprisoned not more than 5
17 years, or both.

18 “(c)(1) It is unlawful for any person who receives any
19 benefit under this title, or to whom any portion of any
20 such benefit is transferred, knowingly and willfully to use,
21 or authorize the use of, such benefit or such portion except
22 as provided in section 504(d).

23 “(2) Any person who violates paragraph (1) shall be
24 fined not more than \$10,000, or imprisoned not more than
25 5 years, or both.

1 “(d)(1) It is unlawful for any person knowingly and
2 willfully—

3 “(A) to furnish any false, fictitious, or fraudu-
4 lent evidence, books, or information (including any
5 certification, verification, notice, or report) to the
6 Commission under this title, or to include in any evi-
7 dence, books, or information so furnished any mis-
8 representation of a material fact, or to falsify or
9 conceal any evidence, books, or information relevant
10 to a certification by the Commission or an examina-
11 tion and audit by the Commission under this title;
12 or

13 “(B) to fail to furnish to the Commission any
14 records, books, or information requested by it for
15 purposes of this title.

16 “(2) Any person who violates paragraph (1) shall be
17 fined not more than \$10,000, or imprisoned not more than
18 5 years, or both.

19 “(e)(1) It is unlawful for any person knowingly and
20 willfully to give or accept any kickback or any illegal pay-
21 ment in connection with any benefits received by a can-
22 didate, or an authorized committee of a candidate who re-
23 ceives benefits under this title.

1 “(2) Any person who violates paragraph (1) shall be
2 fined not more than \$10,000, or imprisoned not more than
3 5 years, or both.

4 “(3) In addition to the penalty provided by paragraph
5 (2), any person who accepts any kickback or illegal benefit
6 in connection with any benefits received by a candidate
7 or an authorized committee of a candidate pursuant to
8 the provisions of this title shall pay to the Secretary for
9 deposit in the fund, an amount equal to 125 percent of
10 the kickback or benefit received.

11 **“SEC. 508. JUDICIAL REVIEW.**

12 “(a) Any action by the Commission made under this
13 title shall be subject to review by the United States Court
14 of Appeals for the District of Columbia Circuit upon peti-
15 tion filed in that court not later than 30 days after the
16 Commission action for which review is sought. It shall be
17 the duty of the Court of Appeals, ahead of all matters
18 not filed under this title, to advance on the docket and
19 expeditiously take action on all petitions filed pursuant to
20 this title.

21 “(b) Chapter 7 of title 5, United States Code, applies
22 to judicial review of any agency action, as defined in sec-
23 tion 551(13) of title 5, United States Code, by the Com-
24 mission.

1 **“SEC. 509. PARTICIPATION BY COMMISSION IN JUDICIAL**
2 **PROCEEDINGS.**

3 “(a) The Commission may appear in and defend
4 against any action instituted under this section and under
5 section 508 either by attorneys employed in its office or
6 by counsel whom it may appoint without regard to the pro-
7 visions of title 5, United States Code, governing appoint-
8 ments in the competitive service, and whose compensation
9 it may fix without regard to the provisions of chapter 51
10 and subchapter III of chapter 53 of such title.

11 “(b) The Commission may, through attorneys and
12 counsel described in subsection (a), institute actions in the
13 district courts of the United States to seek recovery of
14 any amounts determined under section 507 to be payable
15 to the Secretary.

16 “(c) The Commission may, through attorneys and
17 counsel described in subsection (a), petition the courts of
18 the United States for such injunctive relief as is appro-
19 priate in order to implement any provision of this title.

20 “(d) The Commission is authorized on behalf of the
21 United States to appeal from, and to petition the Supreme
22 Court for certiorari to review, judgments or decrees en-
23 tered with respect to actions in which it appears pursuant
24 to this section.

1 **“SEC. 510. REPORTS TO CONGRESS; REGULATIONS.**

2 “(a) The Commission shall, as soon as practicable
3 after each election, submit a full report to the Senate set-
4 ting forth—

5 “(1) the expenditures (shown in such detail as
6 the Commission deems appropriate) made by each
7 eligible candidate and the authorized committees of
8 that candidate;

9 “(2) the amounts certified by the Commission
10 under section 505 for payment to each eligible can-
11 didate;

12 “(3) the amount of repayments, if any, required
13 under section 507, and the reasons for each such re-
14 payment; and

15 “(4) the balance in the fund, the Senate Ac-
16 count and any other account maintained in the fund.
17 Each report submitted pursuant to this section shall be
18 printed as a Senate document.

19 “(b) The Commission may prescribe such rules and
20 regulations in accordance with subsection (c), conduct
21 such examinations and investigations, and require the
22 keeping and submission of such books, records, and infor-
23 mation, as it deems necessary to carry out its functions
24 and duties under this title.

25 “(c) Thirty days before prescribing any rules or regu-
26 lation under subsection (b), the Commission shall transmit

1 to the Senate a statement setting forth the proposed rule
 2 or regulation and containing a detailed explanation and
 3 justification of such rule or regulation.

4 **“SEC. 511. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to the Com-
 6 mission such sums as are necessary for the purpose of car-
 7 rying out the Commission’s functions and duties under
 8 this title.”.

9 **SEC. 3. SENATE ACCOUNT.**

10 Section 6096(a) of the Internal Revenue Code of
 11 1986 is amended—

12 (1) by striking “\$1” each place it appears in
 13 that subsection and inserting “\$2”; and

14 (2) by striking “\$2” each place it appears in
 15 that subsection and inserting “\$4”.

16 **SEC. 4. BROADCAST RATES.**

17 Section 315 of the Communications Act of 1934 (47
 18 U.S.C. 315) is amended—

19 (1) in subsection (a) by striking “section” and
 20 inserting “subsection”;

21 (2) by redesignating subsections (b), (c), and
 22 (d) as subsections (d), (e), and (f), respectively;

23 (3) by inserting immediately after subsection
 24 (a) the following new subsections:

1 “(b)(1) If any licensee permits a person to utilize a
2 broadcasting station to broadcast material which either
3 endorses a legally qualified candidate for any Federal elec-
4 tive office or opposes a legally qualified candidate for that
5 office, such licensee shall, within a reasonable period of
6 time, provide to any eligible candidate opposing the can-
7 didate endorsed (or to an authorized committee of such
8 eligible candidate), or to any eligible candidate who was
9 so opposed (or to an authorized committee of such eligible
10 candidate), the opportunity to utilize, without charge, the
11 same amount of time on such broadcasting station, during
12 the same period of the day, as was utilized by such person.

13 “(2) For purposes of this subsection, the term ‘per-
14 son’ includes an individual, partnership, committee, asso-
15 ciation, corporation, or any other organization or group
16 of persons, but such term does not include a legally quali-
17 fied candidate for any Federal elective office or an author-
18 ized committee of any such candidate.

19 “(c) A licensee shall not preempt the use, during any
20 period specified in subsection (d)(1), of a broadcasting
21 station by a legally qualified candidate for Federal office
22 who has purchased such use pursuant to such subsection
23 (d)(1).”;

24 (4) by amending subsection (d)(1), as redesign-
25 nated by paragraph (2), to read as follows:

1 “(1) during the 6 months preceding the date of
2 a primary, runoff, general, or special election in
3 which such person is a candidate, the lowest unit
4 charge of the station over the preceding 12-month
5 period for the same class and amount of time for the
6 same period, except that in the case of candidates
7 for the United States Senate in a general election,
8 as such term is defined in section 501(5) of the Fed-
9 eral Election Campaign Act of 1971, this provision
10 shall apply only if such candidate has been certified
11 by the Federal Election Commission as eligible to re-
12 ceive benefits under title V of that Act;”;

13 (5) by amending subsection (e), as redesignated
14 by paragraph (2) to read as follows:

15 “(e) For purposes of this section—

16 “(1) the term ‘authorized committee’ means,
17 with respect to any candidate for nomination for
18 election, or election, to any Federal elective office,
19 any committee, club, association, or other group of
20 persons which receives contributions or makes ex-
21 penditures during a calendar year in an aggregate
22 amount exceeding \$1,000 and which is authorized by
23 such candidate to accept contributions or make ex-
24 penditures on behalf of such candidate to further the
25 nomination or election of such candidate;

1 “(2) the term ‘broadcasting station’ includes a
2 community antenna television system; and

3 “(3) the terms ‘licensee’ and ‘station licensee’,
4 when used with respect to a community antenna sys-
5 tem, mean the operator of such system.”.

6 **SEC. 5. REPORTING REQUIREMENTS.**

7 (a) **ADDITIONAL REQUIREMENTS.**—Section 304 of
8 FECA (2 U.S.C. 434) is amended by adding at the end
9 the following new subsections:

10 “(d)(1) Not later than the day after the date on
11 which a candidate for the United States Senate qualifies
12 for the ballot for a general election, as that term is defined
13 in section 501(5), or, if such candidate is a candidate in
14 a State which has a primary election to qualify for such
15 ballot after September 1, within 7 days after the date such
16 candidate wins in such primary, whichever occurs first,
17 each such candidate in such election shall file with the
18 Commission a declaration whether the candidate intends
19 to make expenditures in excess of the general election
20 spending limit applicable to the candidate under section
21 503(b).

22 “(2) A declaration filed pursuant to paragraph (1)
23 may be amended or changed at any time within 7 days
24 after the filing of the declaration, and may not be further
25 amended or changed.

1 “(e)(1) A candidate for the United States Senate who
2 qualifies for the ballot for a general election, as that term
3 is defined in section 501(5)—

4 “(A) who is not eligible to receive benefits
5 under section 502; and

6 “(B) who either raises aggregate contributions
7 or makes or becomes obligated to make aggregate
8 expenditures for the general election that exceed 75
9 percent of the general election spending limit appli-
10 cable to the candidate under section 503(b) for such
11 Senate election,

12 shall file a report with the Commission not later than 24
13 hours after such contributions have been raised or such
14 expenditures have been made or obligated to be made, or
15 not later than 24 hours after the date of qualification for
16 the general election ballot, whichever is later, setting forth
17 the candidate’s total contributions and total expenditures
18 for such election. Thereafter such candidate shall file addi-
19 tional reports with the Commission not later than 24
20 hours after each time additional contributions are raised
21 or expenditures are made, or are obligated to be made,
22 which aggregate an additional 5 percent of such limit. A
23 candidate shall continue to file such reports until the can-
24 didate has raised aggregate contributions or made or has
25 become obligated to make aggregate expenditures equal to

1 133⅓ percent of the general election spending limit appli-
2 cable to the candidate under section 503(b).

3 “(2) The Commission, not later than 24 hours after
4 such a report has been filed, shall notify each candidate
5 in an election who is eligible to receive benefits pursuant
6 to this title of the filing of such report, and after an oppos-
7 ing candidate has raised aggregate contributions or made
8 or has become obligated to make aggregate expenditures
9 in excess of the applicable general election spending limit,
10 the Commission shall certify, pursuant to subsection (i),
11 such eligibility to the Secretary of the Treasury for pay-
12 ment of any amount to which such eligible candidate is
13 entitled.

14 “(3) Notwithstanding the reporting requirement es-
15 tablished in this subsection, the Commission may make
16 its own determination that a candidate in a general elec-
17 tion, as such term is defined in section 501(5), who is not
18 eligible to receive benefits under section 504, has raised
19 aggregate contributions or has made or has become obli-
20 gated to make aggregate expenditures for such election
21 that exceed general election spending limit applicable to
22 a candidate under section 503(b). The Commission, not
23 later than 24 hours after making such determination, shall
24 notify each candidate in the general election involved who
25 is eligible to receive benefits under section 504 about the

1 making of such determination, and shall certify, pursuant
2 to subsection (i), such eligibility to the Secretary of the
3 Treasury for payment of any amount to which any such
4 candidate is entitled.

5 “(f)(1) All independent expenditures, if any (includ-
6 ing those described in subsection (b)(6)(B)(iii)), made by
7 any person after the date of the last Federal election with
8 regard to a general election, as such term is defined in
9 section 501(5), and all obligations to make such expendi-
10 tures incurred by any person during such period, if any,
11 shall be reported by such person to the Commission as
12 provided in paragraph (2), if such expenditure or obliga-
13 tion is described in such paragraph.

14 “(2) Independent expenditures by any person re-
15 ferred to in paragraph (1) shall be reported not later than
16 24 hours after the aggregate amount of such expenditures
17 incurred or obligated exceeds \$10,000. Thereafter, inde-
18 pendent expenditures referred to in paragraph (1), made
19 by the same person in the same election, shall be reported
20 not later than 24 hours after each time the aggregate
21 amount of such expenditures incurred or obligated, not yet
22 reported under this subparagraph, exceeds \$5,000.

23 “(3) Each report under this subsection shall be filed
24 with the Commission and the Secretary of State for the
25 State of the election involved and shall contain—

1 “(A) the information required by subsection
2 (b)(6)(B)(iii); and

3 “(B) a statement filed under penalty of perjury
4 by the person making the independent expenditures,
5 or by the person incurring the obligation to make
6 such expenditures, as the case may be, that identi-
7 fies the candidate whom the independent expendi-
8 tures are actually intended to help elect or defeat.

9 The Commission shall, not later than 24 hours after such
10 report is made, notify each candidate in the election in-
11 volved who is eligible to receive benefits pursuant to sec-
12 tion 504(a)(1)(C), about the making of each such report,
13 and shall certify such eligibility to the Secretary of the
14 Treasury for payment in full of any amount to which any
15 such candidate is entitled.

16 “(4)(A) Notwithstanding the reporting requirements
17 established in this subsection, the Commission may make
18 its own determination that a person has made independent
19 expenditures, or has incurred an obligation to make such
20 expenditures, as the case may be, with regard to a general
21 election, as defined in section 501(5), that in the aggre-
22 gate total more than the applicable amount specified in
23 paragraph (2).

24 “(B) The Commission shall, not later than 24 hours
25 after such determination is made, notify each candidate

1 in the election involved who is eligible to receive benefits
2 under section 504(a)(1)(C) about the making of each de-
3 termination under subparagraph (A), and shall certify,
4 pursuant to subsection (i), such eligibility to the Secretary
5 of the Treasury for payment in full of any amount to
6 which such candidate is entitled.

7 “(g)(1) When two or more persons make an expendi-
8 ture or expenditures in coordination, consultation, or con-
9 cert (as described in paragraph (2) or otherwise) for the
10 purpose of promoting the election or defeat of a clearly
11 identified candidate, each such person shall report to the
12 Commission, under subsection (f), the amount of such ex-
13 penditure or expenditures made by such person in coordi-
14 nation, consultation, or concert with such other person or
15 persons when the total amount of all expenditures made
16 by such persons in coordination, consultation, or concert
17 with each other exceeds the applicable amount provided
18 in such subsection.

19 “(2) An expenditure by a person shall constitute an
20 expenditure in coordination, consultation, or concert with
21 another person when—

22 “(A) there is any arrangement, coordination, or
23 direction with respect to the expenditure between the
24 persons making the expenditures, including any offi-
25 cer, director, employee or agent of such person;

1 “(B) in the same 2-year election cycle, 1 of the
2 persons making the expenditures (including any offi-
3 cer, director, employee or agent of such person) is
4 or has been, with respect to such expenditures—

5 “(i) authorized by such other person to
6 raise or expend funds on behalf of such other
7 person; or

8 “(ii) receiving any form of compensation or
9 reimbursement from such other person or an
10 agent of such other person;

11 “(C) one of the persons making expenditures
12 (including any officer, director, employee or agent of
13 such person) has communicated with, advised, or
14 counseled such other person in connection with such
15 expenditure; or

16 “(D) one of the persons making expenditures
17 and such other person making expenditures each re-
18 tain the professional services of the same individual
19 or person in connection with such expenditures.

20 “(h)(1) Every political committee, as defined in sec-
21 tion 301(4), active in non-Federal elections and maintain-
22 ing separate accounts for this purpose shall file with the
23 Commission reports of funds received into and disburse-
24 ments made from such accounts for activities which may
25 influence an election to any Federal office. For purposes

1 of this section, activities that may influence an election
2 to any Federal office include—

3 “(A) voter registration and get-out-the-vote
4 drives directed to the general public in connection
5 with any election in which Federal candidates ap-
6 pear on the ballot;

7 “(B) general public political advertising that in-
8 cludes references, however incidental, to clearly iden-
9 tify Federal and non-Federal candidates for public
10 office, or that does not clearly identify Federal can-
11 didates but urges support for or opposition to all the
12 candidates of a political party or other candidates in
13 a classification or context which includes Federal
14 candidates; and

15 “(C) any other activities that require an alloca-
16 tion of costs between a political committee’s Federal
17 and non-Federal accounts reflecting the impact on
18 Federal elections in accordance with regulations pre-
19 scribed or Advisory Opinions rendered by the Com-
20 mission.

21 “(2) Reports required to be filed by this subsection
22 shall be filed for the same time periods required for politi-
23 cal committees under section 304(a), and shall include:

24 “(A) a separate statement, for each of the ac-
25 tivities in connection with which a report is required

1 under paragraph (1), of the aggregate total of dis-
2 bursements from the non-Federal accounts; and

3 “(B) supporting schedules, providing an identi-
4 fication of each donor (except donors whose aggre-
5 gate donations do not exceed \$200 in a calendar
6 year) together with the amount and date of each do-
7 nation with regard to the receipts of the non-Federal
8 account that comprise disbursements reported under
9 subparagraph (A).

10 “(3) Reports required to be filed by this subsection
11 need not include donations made to or on behalf of non-
12 Federal candidates or political organizations in accordance
13 with the financing and reporting requirements of State
14 laws, or other disbursements from the non-Federal ac-
15 counts in support of exclusively non-Federal election ac-
16 tivities, if such donations or disbursements are governed
17 solely by such State laws and not subject to paragraph
18 (1).

19 “(i) The certifications required by this section shall
20 be made by the Commission on the basis of reports filed
21 with such Commission in accordance with the provisions
22 of this Act, or on the basis of such Commission’s own in-
23 vestigation or determination, notwithstanding section
24 505(a).

1 “(j) Not later than 15 days after a candidate for the
2 Senate qualifies for the primary ballot under applicable
3 State law, such candidate shall file with the Commission
4 a declaration stating whether or not such candidate agrees
5 to expend from the candidate’s personal funds, or the
6 funds of the candidate’s immediate family, or incur per-
7 sonal loans, in connection with the candidate’s campaign
8 for such office, in the aggregate of \$100,000 or more, for
9 the election cycle.

10 “(k)(1) A candidate for the United States Senate who
11 expends from the candidate’s personal funds or the funds
12 of the candidate’s immediate family, or incurs personal
13 loans, in connection with the candidate’s campaign for
14 such office, in the aggregate in excess of \$100,000, for
15 the election cycle, shall file a report with the Commission
16 not later than 24 hours after such expenditures have been
17 made or loans incurred. Thereafter the expenditures re-
18 ferred to in this paragraph shall be reported not later than
19 24 hours after each time the aggregate of additional ex-
20 penditures or loans exceeds \$10,000.

21 “(2) Not later than 24 hours after a report has been
22 filed under paragraph (1), the Commission shall notify
23 each candidate in the election who is eligible to receive
24 payments under section 504 of the filing of each such re-
25 port.

1 “(3) Notwithstanding the reporting requirements in
2 this subsection, the Commission may make its own deter-
3 mination that a candidate for the United States Senate
4 has made expenditures from the personal funds of such
5 candidate or the funds of any member of a candidate’s
6 immediate family or incurred personal loans in connection
7 with the candidate’s campaign aggregating in excess of
8 \$100,000, or thereafter in increments of \$10,000 during
9 the election cycle. Not later than 24 hours after making
10 such determination, the Commission shall notify each can-
11 didate in the general election who is eligible to receive ben-
12 efits under section 504 of the making of each such deter-
13 mination.”.

14 (b) DEFINITIONS.—Section 301 of FECA (2 U.S.C.
15 431) is amended—

16 (1) in paragraph (4) by adding at the end the
17 following:

18 “Whether a committee, club, association, or other
19 group of persons has received contributions within
20 the meaning of this paragraph shall be determined
21 by the Commission on the basis of facts and cir-
22 cumstances, in any combination, demonstrating a
23 purpose of influencing any election for Federal of-
24 fice, including, but not limited to, the representa-
25 tions made by any person soliciting funds about

1 their intended uses; the identification by name of in-
2 dividuals who are candidates for Federal office, as
3 defined in paragraph (2) of this section, or of any
4 political party, in general public political advertising;
5 and the proximity to any primary, run-off, or gen-
6 eral election of general public political advertising
7 designed or reasonably calculated to influence voter
8 choice in that election.”; and

9 (2) by adding at the end the following new
10 paragraph:

11 “(20) The term ‘election cycle’ means—

12 “(A) in the case of a candidate or an au-
13 thorized committee of a candidate, the period
14 beginning on the day after the date of the most
15 recent election for the seat that the candidate
16 seeks and ending on the date of the next gen-
17 eral election; or

18 “(B) in the case of other persons, the pe-
19 riod beginning on the first day following the
20 date of the most recent general election and
21 ending on the date of the next election.”.

1 **SEC. 6. LIMITS ON CONTRIBUTIONS BY MULTICANDIDATE**
 2 **POLITICAL COMMITTEES AND SEPARATE**
 3 **SEGREGATED FUNDS.**

4 (a) DOLLAR LIMITS.—Section 315(a)(2) of FECA (2
 5 U.S.C. 441a(a)(2)) is amended—

6 (1) in subparagraph (A) by striking “\$5,000”
 7 and inserting “\$1,000”;

8 (2) by striking “or” at the end of subparagraph
 9 (B);

10 (3) in subparagraph (C)—

11 (A) by striking “\$5,000” and inserting
 12 “\$1,000”; and

13 (B) by striking the period at the end and
 14 inserting a semicolon; and

15 (4) by adding at the end the following new sub-
 16 paragraphs:

17 “(D) to any candidate for the office of Member
 18 of, or Delegate or Resident Commissioner to, the
 19 House of Representatives and the authorized politi-
 20 cal committees of such candidate with respect to—

21 “(i) a general or special election for the of-
 22 fice of Representative in, or Delegate or Resi-
 23 dent Commissioner to, the Congress (including
 24 any primary election, convention, or caucus re-
 25 lating to such general or special election) which
 26 exceed \$100,000 (or \$125,000 if at least two

1 candidates qualify for the ballot in the general
2 or special election and at least two candidates
3 qualify for the ballot in a primary election relat-
4 ing to such general or special election), when
5 added to the total of contributions previously
6 made by multicandidate political committees
7 and separate segregated funds, other than
8 multicandidate committees of a political party,
9 to such candidate and the candidate's author-
10 ized political committees with respect to such
11 general or special election (including any pri-
12 mary election, convention, or caucus relating to
13 such general or special election); or

14 “(ii) a runoff election for the office of Rep-
15 resentative in, or Delegate or Resident Commis-
16 sioner to, the Congress which exceed \$25,000
17 when added to the total of contributions pre-
18 viously made by multicandidate political com-
19 mittees and separate segregated funds, other
20 than multicandidate committees of a political
21 party, to such candidate and the candidate's
22 authorized political committees with respect to
23 such runoff election;

1 “(E) to any candidate for the office of Senator
2 and the authorized political committees of such can-
3 didate with respect to—

4 “(i) a general or special election for such
5 office (including any primary election, conven-
6 tion, or caucus relating to such general or spe-
7 cial election) which, when added to the total of
8 contributions previously made by
9 multicandidate political committees and sepa-
10 rate segregated funds, other than
11 multicandidate committees of a political party,
12 to such candidate and the candidate’s author-
13 ized political committees with respect to such
14 general or special election (including any pri-
15 mary election, convention, or caucus relating to
16 such general or special election) exceeds an
17 amount equal to 10 percent of the amount pro-
18 vided in section 315(i); or

19 “(ii) a runoff election for the office of
20 United States Senator which exceeds, when
21 added to the total of contributions previously
22 made by multicandidate political committees
23 and separate segregated funds, other than
24 multicandidate committees of a political party,
25 to such candidate and his authorized political

1 committees with respect to such runoff election,
 2 an amount equal to 10 percent of the limitation
 3 on expenditures provided in section 315(j) for
 4 runoff elections; or

5 “(F) to any State committee of a political
 6 party, including any subordinate committee of a
 7 State committee, which, when added to the total of
 8 contributions previously made by multicandidate po-
 9 litical committees and separate segregated funds,
 10 other than multicandidate committees of a political
 11 party, to such State committee exceeds the greater
 12 of—

13 “(i) 2 cents multiplied by the voting age
 14 population of the State of such State commit-
 15 tee; or

16 “(ii) \$25,000.

17 The limitation of subparagraph (F) shall apply separately
 18 with respect to each two-year Federal election cycle, cover-
 19 ing a period from the day following the date of the last
 20 Federal general election held in that State through the
 21 date of the next regularly scheduled Federal general elec-
 22 tion.”.

23 (b) SENATE ELECTIONS.—(1) Section 315 of FECA
 24 (2 U.S.C. 441a) is amended by adding at the end the fol-
 25 lowing new subsections:

1 “(i) For purposes of subsection (a)(2)(E)(i), such
2 limitation for the election cycle shall be an amount equal
3 to the lesser of—

4 “(1) \$5,500,000; or

5 “(2) the greater of—

6 “(A) \$900,000; or

7 “(B) 50 percent of the sum of—

8 “(i) \$400,000; and

9 “(ii) 21 cents multiplied by the voting
10 age population of 4,000,000 or less, plus
11 18 cents multiplied by the voting age popu-
12 lation over 4,000,000.

13 “(j) For purposes of subsection (a)(2)(E)(ii), such
14 limitation for the election cycle shall be an amount equal
15 to the lesser of—

16 “(1) \$5,500,000; or

17 “(2) the greater of—

18 “(A) \$900,000; or

19 “(B) 20 percent of the sum of—

20 “(i) \$400,000; and

21 “(ii) 25 cents multiplied by the voting
22 age population of 4,000,000 or less, plus
23 20 cents multiplied by the voting age popu-
24 lation over 4,000,000.”.

1 (2) Section 315(c) of FECA (2 U.S.C. 441a(c)) is
2 amended—

3 (A) in paragraph (1) by striking “subsection
4 (b) and subsection (d)” and inserting “subsections
5 (b), (d), (i), and (j)”;

6 (B) in paragraph (2)(B) by inserting before the
7 period at the end “as applied in subsections (b) and
8 (d), and the term ‘base period’ means the calendar
9 year of the first election after the date of enactment
10 of the Senate Election Reform Act of 1993, as ap-
11 plied in subsections (i) and (j)”.

12 (c) CONGRESSIONAL CAMPAIGN COMMITTEES.—Sec-
13 tion 315(d) of FECA (2 U.S.C. 441a(d)) is amended—

14 (1) in paragraph (1), by striking “(2) and (3)”
15 and inserting “(2), (3), (4), and (5)”;

16 (2) by adding at the end the following new
17 paragraphs:

18 “(4) No congressional campaign committee may ac-
19 cept contributions from multicandidate political commit-
20 tees and separate segregated funds, during two-year elec-
21 tion cycle, which, in the aggregate, exceed 30 percent of
22 the total expenditures that may be made during such elec-
23 tion cycle by that campaign committee on behalf of can-
24 didates for Senator, Representative, Delegate, or Resident
25 Commissioner pursuant to paragraph (3).

1 “(5) No national committee of a political party may
 2 accept contributions from multicandidate political commit-
 3 tees and separate segregated funds, during two-year elec-
 4 tion cycle, which, in the aggregate, are in excess of an
 5 amount equal to 2 cents multiplied by the voting age popu-
 6 lation of the United States.

7 “(6) The limitations contained in paragraphs (2) and
 8 (3) shall apply to any expenditure through general public
 9 political advertising, whenever made, which—

10 “(A) clearly identifies by name an individual
 11 who is, or is seeking nomination to be, a candidate
 12 in the general election for the Federal office of
 13 President, Senator or Representative; and

14 “(B) does not constitute a direct mail commu-
 15 nication designed primarily for fundraising purposes
 16 that makes only incidental reference to a Federal
 17 candidate.”.

18 **SEC. 7. INTERMEDIARY OR CONDUIT.**

19 Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is
 20 amended to read as follows:

21 “(8)(A) For purposes of this subsection—

22 “(i) contributions made by a person, either di-
 23 rectly or indirectly, to or on behalf of a particular
 24 candidate, including contributions which are in any
 25 way earmarked or otherwise directed through an

1 intermediary or conduit to such candidate, shall be
2 treated as contributions from such person to such
3 candidate; and

4 “(ii) contributions made by a person either di-
5 rectly or indirectly, to or on behalf of a particular
6 candidate, through an intermediary or conduit, in-
7 cluding all contributions delivered or arranged to be
8 delivered by such intermediary or conduit, shall also
9 be treated as contributions from the intermediary or
10 conduit, if—

11 “(I)(aa) the contributions made through
12 the intermediary or conduit are in the form of
13 a check or other negotiable instrument made
14 payable to the conduit or intermediary rather
15 than the intended recipient; or

16 “(bb) the conduit or intermediary is a po-
17 litical committee, other than an authorized com-
18 mittee of a candidate, within the meaning of
19 section 301(4), or an officer, employee or other
20 agent of such a political committee, or an offi-
21 cer, employee or other agent of a connected or-
22 ganization, within the meaning of section
23 301(7), acting in its behalf; and

24 “(II) the conduit or intermediary is re-
25 quired to register as a lobbyist or lobby organi-

1 zation as defined under the Federal Regulation
2 of Lobbying Act (2 U.S.C. 266), or an officer,
3 employee or other agent of such an organiza-
4 tion.

5 “(B) The limitations imposed by this subsection shall
6 not apply to—

7 “(i) bona fide joint fundraising efforts con-
8 ducted solely for the purpose of sponsorship of a
9 fundraising reception, dinner, or other event in ac-
10 cordance with rules and regulations prescribed by
11 the Commission by—

12 “(I) two or more candidates;

13 “(II) two or more national, State, or local
14 committees of a political party within the mean-
15 ing of section 301(4) acting on their own be-
16 half; or

17 “(III) a special committee formed by either
18 two or more candidates or one or more can-
19 didates and one or more national, State, or
20 local committees of a political party acting on
21 their own behalf; or

22 “(ii) fundraising efforts for the benefit of a can-
23 didate which are conducted by another candidate
24 within the meaning of section 301(2).

1 In all cases where contributions are made by a person ei-
 2 ther directly or indirectly to or on behalf of a particular
 3 candidate through an intermediary or conduit, the
 4 intermediary or conduit shall report the original source
 5 and the intended recipient of such contribution to the
 6 Commission and to the intended recipient.”.

7 **SEC. 8. INDEPENDENT EXPENDITURES.**

8 Section 301(17) of FECA (2 U.S.C. 431(17)) is
 9 amended by adding at the end the following new sentence:
 10 “An expenditure shall constitute an expenditure in coordi-
 11 nation, consultation, or concert with a candidate when—

12 “(A) there is any arrangement, coordination, or
 13 direction with respect to the expenditure between the
 14 candidate or the candidate’s agent and the person
 15 (including any officer, director, employee or agent of
 16 such person) making the expenditure;

17 “(B) in the same election cycle, the person
 18 making the expenditure (including any officer, direc-
 19 tor, employee or agent of such person) is or has
 20 been—

21 “(i) authorized to raise or expend funds on
 22 behalf of the candidate or the candidate’s au-
 23 thorized committees;

24 “(ii) serving as an officer of the can-
 25 didate’s authorized committees; or

1 “(iii) receiving any form of compensation
2 or reimbursement from the candidate, the can-
3 didate’s authorized committees, or the can-
4 didate’s agent;

5 “(C) the person making the expenditure (in-
6 cluding any officer, director, employee or agent of
7 such person) has communicated with, advised, or
8 counseled the candidate or the candidate’s agents at
9 any time on the candidate’s plans, projects, or needs
10 relating to the candidate’s pursuit of nomination for
11 election, or election to Federal office, in the same
12 election cycle, including any advice relating to the
13 candidate’s decision to seek Federal office;

14 “(D) the person making the expenditure retains
15 the professional services of any individual or other
16 person also providing those services to the candidate
17 in connection with the candidate’s pursuit of nomi-
18 nation for election, or election to Federal office, in
19 the same election cycle, including any services relat-
20 ing to the candidate’s decision to seek Federal office;

21 “(E) the person making the expenditure (in-
22 cluding any officer, director, employee or agent of
23 such person) has communicated or consulted at any
24 time during the same election cycle about the can-

1 didate's plans, projects, or needs relating to the can-
2 didate's pursuit of election to Federal office, with—

3 “(i) any officer, director, employee or
4 agent of a party committee that has made or
5 intends to make expenditures or contributions,
6 pursuant to subsections (a), (d), or (h) of sec-
7 tion 315 in connection with the candidate's
8 campaign; or

9 “(ii) any person whose professional services
10 have been retained by a political party commit-
11 tee that has made or intends to make expendi-
12 tures or contributions pursuant to subsections
13 (a), (d), or (h) of section 315 in connection
14 with the candidate's campaign; or

15 “(F) the expenditure is based on information
16 provided to the person making the expenditure di-
17 rectly or indirectly by the candidate or the can-
18 didate's agents about the candidate's plans, projects,
19 or needs, if the candidate or the candidate's agent
20 is aware that the other person has made or is plan-
21 ning to make expenditures expressly advocating the
22 candidate's election.”.

1 **SEC. 9. INDEPENDENT EXPENDITURE BROADCAST DISCLO-**
2 **SURE.**

3 Section 318(a)(3) of FECA (2 U.S.C. 441d(a)(3)) is
4 amended by striking the period at the end and inserting
5 the following: “, except that when a person makes an inde-
6 pendent expenditure through a broadcast communication
7 on any television station, the broadcast communication
8 shall include a statement clearly readable to the viewer
9 that appears continuously during the entire length of such
10 communication setting forth the name of such person and,
11 in the case of a political committee, the name of any con-
12 nected or affiliated organization, and when a person
13 makes an independent expenditure through a newspaper,
14 magazine, outdoor advertising facility, direct mailing or
15 other type of general public political advertising, the com-
16 munication shall include, in addition to the other informa-
17 tion required by this subsection—

18 “(A) the following sentence: ‘The cost of pre-
19 senting this communication is not subject to any
20 campaign contribution limits.’; and

21 “(B) a statement setting forth the name of the
22 person who paid for the communication and, in the
23 case of a political committee, the name of any con-
24 nected or affiliated organization and the name of the
25 president or treasurer of such organization.”.

1 **SEC. 10. REFERRAL TO THE DEPARTMENT OF JUSTICE.**

2 Section 309(a)(5)(C) of FECA (2 U.S.C.
3 437g(a)(5)(C)) is amended by striking “may refer” and
4 inserting “shall refer”.

5 **SEC. 11. EXTENSION OF CREDIT.**

6 Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is
7 amended—

8 (1) by striking “or” at the end of clause (i);

9 (2) by striking the period at the end of clause
10 (ii) and inserting “; or”; and

11 (3) by adding at the end the following new
12 clause:

13 “(iii) with respect to a candidate for the
14 office of United States Senator and the can-
15 didate’s authorized political committees, any ex-
16 tension of credit for goods or services relating
17 to advertising on broadcasting stations, in
18 newspapers or magazines, by direct mail (in-
19 cluding direct mail fund solicitations) or other
20 similar types of general public political advertis-
21 ing, if such extension of credit is—

22 “(I) in an amount of more than
23 \$1,000; and

24 “(II) for a period of more than 60
25 days after the date on which such goods or
26 services are furnished, which date in the

1 case of advertising by direct mail (includ-
 2 ing a direct mail solicitation) shall be the
 3 date of the mailing.”.

4 **SEC. 12. PREFERENTIAL RATES FOR MAIL.**

5 (a) IN GENERAL.—Subchapter II of chapter 36 of
 6 title 39, United States Code, is amended by adding at the
 7 end the following new section:

8 **“§ 3629. Reduced rates for certain Senate candidates**

9 “The rates of postage for matter mailed with respect
 10 to a campaign by an eligible candidate (as defined in sec-
 11 tion 501 of the Federal Election Campaign Act of 1971)
 12 shall be—

13 “(1) in the case of first-class mail matter, one-
 14 fourth of the rate currently in effect; and

15 “(2) in the case of third-class mail matter, 2
 16 cents per piece less than mail matter mailed pursu-
 17 ant to paragraph (1),

18 subject to the condition that the total paid by such can-
 19 didate for all mail matter at the rates provided by para-
 20 graphs (1) and (2) shall not exceed 5 percent of the gen-
 21 eral election spending limit applicable to such candidate
 22 under section 503(b) of the Federal Election Campaign
 23 Act of 1971.”.

24 (b) TECHNICAL AMENDMENT.—The chapter analysis
 25 for chapter 36 of title 39, United States Code, is amended

1 by inserting after the item relating to section 3628 the
2 following new item:

“3629. Reduced rates for certain Senate candidates.”.

3 **SEC. 13. DISCLOSURE.**

4 Section 318(a) of FECA (2 U.S.C. 441d) is amend-
5 ed—

6 (1) by striking the period at the end of para-
7 graph (3) and inserting “; and”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(4) if paid for or authorized by a general elec-
11 tion candidate for the Senate, or the authorized
12 committee of such candidate who has NOT agreed
13 to abide by the expenditure limits in section 503,
14 such advertisement or announcement shall contain
15 the following sentence: “This candidate has NOT
16 agreed to abide by the spending limits for this Sen-
17 ate election campaign set forth in the Federal Elec-
18 tion Campaign Act.’”.

19 **SEC. 14. EXCESS CAMPAIGN FUNDS.**

20 Section 313 of FECA (2 U.S.C. 439a) is amended—

21 (1) by inserting “(a)” after the section designa-
22 tion;

23 (2) by striking “political party;” through the
24 end of the paragraph and inserting “political
25 party.”; and

1 (3) by adding at the end the following new sub-
2 section:

3 “(b) The authorized committee of a Senator or Rep-
4 resentative in, Delegate or Resident Commissioner to, or
5 candidate for, the Congress, may not make any contribu-
6 tion, either directly or indirectly, to any other Senator or
7 Representative in, Delegate or Resident Commissioner to,
8 the Congress, or, to any State or local elected official or
9 any candidate (or any authorized committee for the can-
10 didate) for such office, including contributions that are in
11 any way earmarked or otherwise directed through an
12 intermediary or conduit (including any political commit-
13 tee) to the Senator, Representative, Delegate, Resident
14 Commissioner, or candidate.”.

15 **SEC. 15. POLITICAL COMMITTEE POSTAL RATES.**

16 Subsection (e) of section 3626 of title 39, United
17 States Code, is repealed.

18 **SEC. 16. SOFT MONEY.**

19 (a) PROHIBITION.—Section 315(d) of FECA (2
20 U.S.C. 441a(d)), as amended by section 6(c), is amended
21 by adding at the end the following new paragraph:

22 “(5) A State committee of a political party, including
23 any subordinate committee of a political party, may not
24 make any expenditure in connection with the general elec-

1 tion campaign of any candidate for President of the Unit-
 2 ed States who is affiliated with such party.”.

3 (b) DEFINITIONS.—Section 301 of FECA (2 U.S.C.
 4 431) is amended by repealing clauses (x) and (xii) of para-
 5 graph (8)(B) and clauses (viii) and (ix) of paragraph
 6 (9)(B).

7 (c) APPLICATION OF FECA TO COMMITTEES OF PO-
 8 LITICAL PARTIES.—Section 315 of FECA (2 U.S.C.
 9 441a), as amended by section 6(b), is amended by adding
 10 at the end the following new subsection:

11 “(k)(1) Any amount solicited, received or spent by a
 12 national, State, or local committee of a political party, di-
 13 rectly or indirectly, shall be subject to the provisions of
 14 this Act, if such amount is solicited, received or spent in
 15 connection with a Federal election. No part of such
 16 amount may be allocated to a non-Federal account or oth-
 17 erwise maintained in, or paid from, an account that is not
 18 subject to this Act. This section shall not apply to amounts
 19 described in section 301(b)(9)(B)(viii).

20 “(2) For purposes of this subsection, the term ‘in
 21 connection with a Federal election’ includes any activity
 22 that may affect a Federal election including but not lim-
 23 ited to the following:

24 “(A) voter registration and get out the vote
 25 activities;

1 “(B) generic activities, including but not limited
2 to any broadcasting, newspaper, magazine, billboard,
3 mail, or similar type of communication or public
4 advertising; and

5 “(C) campaign materials which identify a fed-
6 eral candidate, regardless of any other candidate
7 who may also be identified.”.

8 **SEC. 17. FEDERAL ELECTION COMMISSION REFORM.**

9 (a) MEMBERSHIP.—Section 306(a)(1) of FECA (2
10 U.S.C. 437e(a)(1)) is amended—

11 (1) by striking “6 members” and inserting “7
12 members”; and

13 (2) by amending the last sentence to read as
14 follows: “No more than 4 members of the Commis-
15 sion appointed under this paragraph may be affili-
16 ated with the same political party, and such appoint-
17 ments shall be made in a manner to assure that the
18 same political party shall not have 4 or more mem-
19 bers affiliated with such party on such Commission
20 for two succeeding years.”.

21 (b) TERMS.—Section 306(a)(2) of FECA (2 U.S.C.
22 437c(a)(2)) is amended to read as follows:

23 “(2)(A) Members of the Commission shall serve for
24 terms of 7 years, except that of the members appointed
25 after April 30, 1993—

1 “(i) one of the two members appointed for the
2 term beginning May 1, 1995, shall be appointed for
3 a term of 6 years;

4 “(ii) one of the two members appointed for the
5 term beginning May 1, 1997, shall be appointed for
6 a term of 6 years; and

7 “(iii) one of the two members appointed for the
8 term beginning May 1, 1999, shall be appointed for
9 a term of 6 years.

10 “(B) One additional member of the Commission shall
11 be appointed for a term beginning May 1, 1993, and shall
12 be appointed for a term of 5 years.”.

13 **SEC. 18. FRANKED MAIL.**

14 (a) TITLE 39, UNITED STATES CODE.—Section
15 3210(a)(6) of title 39, United States Code is amended—

16 (1) in subparagraph (A), by striking “60 days”
17 each place it appears and inserting “6 months”;

18 (2) in subparagraph (C), by striking “60 days”
19 and inserting “6 months”; and

20 (3) in subparagraph (E), by—

21 (A) inserting “, town meeting notices,
22 opinion surveys,” after “news-letters”; and

23 (B) striking “five hundred” and inserting
24 “250”.

1 (b) SENATE RULES.—Paragraph 1 of Rule 40 of the
2 Standing Rules of the Senate is amended by striking
3 “sixty days” and inserting “6 months”.

4 **SEC. 19. ONE CAMPAIGN COMMITTEE ALLOWED.**

5 (a) DEFINITION.—Section 301(6) of FECA (2
6 U.S.C. 431(6)) is amended by inserting “, other than a
7 candidate for the office of Senator or Representative in,
8 or Delegate or Resident Commissioner to, the Congress,”
9 after “a candidate”.

10 (b) ORGANIZATION OF COMMITTEES.—Section 302 of
11 FECA (2 U.S.C. 432(e)) is amended—

12 (1) in subsection (e)(1) by inserting “, other
13 than a candidate for the office of Senator or Rep-
14 resentative in, or Delegate or Resident Commis-
15 sioner to, the Congress,” after “A candidate”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(j) Notwithstanding any other law, no candidate for
19 the office of Senator or Representative in, or Delegate or
20 Resident Commissioner to the Congress shall have any au-
21 thorized committee or campaign committee other than one
22 committee which shall be the principal campaign commit-
23 tee for such individual.”.

1 **SEC. 20. SEVERABILITY.**

2 If any provision of this Act or any amendment made
 3 by this Act, or the application of any such provision to
 4 any person or circumstance is held invalid, the validity of
 5 any other such provision and the application of such provi-
 6 sion to other persons and circumstances shall not be af-
 7 fected thereby.

8 **SEC. 21. EFFECTIVE DATE.**

9 (a) IN GENERAL.—Except as provided in subsection
 10 (b), this Act and the amendments made by this Act shall
 11 become effective for any election held in 1994 or there-
 12 after.

13 (b) IMMEDIATE EFFECTIVENESS.—The amendments
 14 made by sections 3, 7, 8, and 9 shall become effective on
 15 the date of enactment of this Act.

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